REMARKS

The following remarks are responsive to the Office Action mailed April 6, 2007, which rejected claims 1-27.

No new claims have been added.

Claims 1, 8, 15, and 17 have been amended.

Claim 12 was previously canceled without prejudice.

Claims 1-11 and 13-27, for a total of 26 claims, remain pending in the application.

Reconsideration of claims 1-11 and 13-27 in view of the amendments above and remarks below is respectfully requested. No new matter has been added.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-8 and 14-16 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Tsuga (U.S. Patent No. 6,260,218). Particularly, the Examiner points to Figure 10 of Tsuga. Applicant respectfully traverses.

The invention of claims 1-8 and 14-16 are directed towards a device that treats a patient with a dislocated hip. In particular, Applicant points out that independent claims 1 , 8, and 15 have been amended to include the following additional element, "wherein the device applies a force to a patient's lower extremity, allowing the dislocated hip to be reduced." Therefore, the invention of claims 1-8 and 14-16 (as claims 2-7 depend from claim1, claim 14 depends from claim 8, and claim 16 depends from claim 15) is geared towards a device that treats a patient with a dislocated hip, by "allowing the dislocated hip to be reduced."

Tsuga, on the other hand, discloses a traveling lift. The traveling lift allows a physically

handicapped person to be lifted and lowered. Figure 10, as pointed out be the Examiner, shows a person being lifted/lowered from or towards a wheelchair. At no point does Tsuga disclose a device that treats a patient with a dislocated hip. More particularly, Tsuga does not disclose a device wherein the "devices applies a force to a patient's lower extremity, allowing the dislocated hip to be reduced."

As such, Applicant contends that claims 1-8 and 14-16 are not clearly anticipated by Tsuga, as each and every element of claims 1-8 and 14-16 is not taught or disclosed by Tsuga. Therefore, Applicant respectfully requests the withdrawal of the § 102(b) rejections of claim 1-8 and 14-16 and the allowance thereof.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 9-11, 13, and 17-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuga in view of Romano (U.S. Pub. No. 2005/0135907). Applicant traverses.

Particularly, the Examiner contends that Tsuga discloses in figures 1-10 a traveling lift that anticipates a device for treating a dislocated hip. The Examiner acknowledges that Tsuga does not disclose the lift assembly including a ratchet or screw jack, however, he contends that Romano teaches in figures 1-5 a lifting device that includes a lift assembly comprising a ratchet, a hydraulic device, or a screw jaws. Therefore, the Examiner contends, it would have been obvious to one having ordinary skill in the art at the time that the invention was made that either of the lift assemblies as taught by Romano could be used to lift a patient to support a dislocated hip. The Examiner continues that the method steps recited in claims 19-24 and 25-27 can be performed using the device disclosed by Tsuga and taught by Romano. The examiner also argues that it is old and well known to use a scale or meter to determine the amount of force applied to a patient's leg. Applicant respectfully disagrees with the Examiner.

Claims 9-11, 13, and 17-18

With respect to claims 9-11, 13, and 17-18, the Examiner stated that it would have been obvious to one having ordinary skill in the art at the time that the invention was made that either of the lift assemblies as taught by Romano could be used to lift a patient to support a dislocated hip, and that it is old and well known to use a scale or a meter to determine the amount of force applied to a patient's leg. Applicant respectfully disagrees.

As mentioned above, independent claims 8 and 15, from which claims 9-11 and 13, and 17-18 respectively depend, have been amended to include the following element, "wherein the device applies a force to a patient's lower extremity, allowing the dislocated hip to be reduced." As previously mentioned, Tsuga does not teach or disclose this particular element.

In addition, Romano does not teach or disclose the use of a device, "wherein the device applies a force to a patient's lower extremity, allowing the dislocated hip to be reduced." Romano is directed towards a medical transports system "for lifting and moving heavyweight patients...." There is no teaching or suggestion that the device may be used to apply a force to a patient's lower extremity, allowing the dislocated hip to be reduced.

Applicants wish to emphasize that the examiner bears the initial burden of presenting a prima facie case of obviousness. In re Piasecki, 745 F.2d 1468, 223 USPQ 758 (Fed. Cir. 1985). A prima facie case of obviousness is established by showing some objective teaching in the prior art that would lead one of ordinary skill in the art to combine the relevant teachings of the references. In re Thrift, 298 F.3d 1357, 1363, 63 USPQ2d 2002 (Fed. Cir. 2002) (quoting In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988)). See also In re Lintner, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972). Applicants contend that the examiner has not met the burden of presenting a prima facie case for obviousness. Since neither of the references cited by the Examiner shows a device that applies a force to a patient's lower extremity, allowing the dislocated hip to be reduced, there is no teaching in the art that would lead one of ordinary skill

art to combine the references to arrive at the invention claimed in claims 9-11, 13, and 17-18. As such, the art, even if combined, does not teach, suggest, or motivate one skilled in the art to arrive at the combination of elements in claims 9-11, 13, and 17-18.

Therefore, Applicant respectfully requests the withdrawal of the § 103(a) rejections of claims 9-11, 13, and 17-18, and allowance thereof.

Claims 19-27

With respect to claims 19-27, the Examiner states that the method steps recited in these claims can be performed using the device disclosed by Tsuga and taught by Romano. Applicant respectfully disagrees.

Independent claims 19 and 25 both include an element related to reducing a dislocated hip. As mentioned above there is no disclosure in either Tsuga or Romano about reducing a dislocated joint. As such, each and every element of these claims is not taught, suggested, or made obvious by Tsuga and Romano, alone or in combination. Therefore, Applicant respectfully requests the withdrawal of the § 103(a) rejections of claims 19-27, and allowance thereof.

In sum, Applicant respectfully requests the withdrawal of the § 103(a) rejections of claims 9-11, 13, and 17-27, and respectfully requests allowance thereof.

CONCLUSION

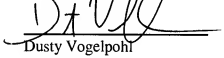
Applicants submit that the above amendments and remarks place pending claims 1-11 and 13-27 in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Should the Examiner wish to discuss any of the above in greater detail, then the Examiner is invited to contact the undersigned at (602) 262-5714 at the Examiner's convenience to further the allowance of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment, to Deposit Account 502509.

In the event that an extension of time is required or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 502509.

Respectfully submitted,



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